

1 Alan Nakazawa, State Bar No. 84670
2 Dena S. Aghabeg, State Bar No. 185311
3 COGSWELL NAKAZAWA & CHANG, LLP
4 444 West Ocean Boulevard, Suite 1250
5 Long Beach, California 90802-8131
6 Telephone (562) 951-8668
7 Facsimile: (562) 951-3933

8 Attorneys for Defendants
9 KAWASAKI KISEN KAISHA, LTD. and
10 "K" LINE AMERICA, INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 THE CONTINENTAL INSURANCE
14 COMPANY, a corporation,

15 Plaintiff,

16 vs.

17 KAWASAKI KISEN KAISHA, LTD.
18 D/B/A "K" LINE, a foreign corporation; "K"
19 LINE AMERICA, INC., a foreign
20 corporation; and DOE ONE through DOE
21 TEN,

22 Defendants.

CASE NO.: 07-cv-06148 WHA

DECLARATION OF SHARON MORRIS IN
SUPPORT OF THE MOTION TO DISMISS
OF KAWASAKI KISEN KAISHA, LTD.
AND "K" LINE AMERICA, INC.

Date: April 17, 2008
Time: 8:00 a.m.
Location: 450 Golden Gate Ave.
San Francisco, CA
Courtroom 9, 19th Floor
Honorable William Alsup

DECLARATION OF SHARON MORRIS

I, Sharon Morris, declare as follows:

1. I am the Manager of Export Documentation & PCC (Pure Cargo Carrier) of "K" Line America, Inc. (hereinafter "KAM") at its office at 8730 Stony Point Parkway, Suite 400, Richmond, Virginia.

2. I make this Declaration on behalf of Kawasaki Kisen Kaisha, Ltd. (hereinafter "K" Line) and KAM in support of their motion to dismiss pursuant to the Tokyo District Court forum selection clause in the "K" Line bill of lading. I have personal knowledge of the facts set forth in this Declaration and for those facts stated to be on information and belief, I believe them to be true and correct. If called upon as a witness, I could and would competently testify thereto.

3. I have been employed as the Manager of Export Documentation for 6 years. years. In this capacity, I am in charge of the Export Documentation department and supervise the preparation and issuance of bills of lading by KAM on behalf of "K" Line. I am familiar with the process for preparing and issuing bills of lading in our office. Such bills of lading are issued by our office and kept in our files in the regular course of our business.

4. On September 8, 2006, at Richmond, Waybill number KKKLUUS1542042 was prepared and issued by KAM, as agents for "K" Line, to cover the carriage of container KLFU5607909 from Oakland to Hong Kong. A true and correct copy of Waybill non-negotiable number KKKLUUS1542042 is attached hereto as Exhibit "A".

5. On September 8, 2006, at Richmond, Waybill number KKKLUUS1541951 was prepared and issued by KAM, as agents for "K" Line, to cover the carriage of container KLFU5601048 from Oakland to Hong Kong. A true and correct copy of Waybill non-negotiable number KKKLUUS1541951 is attached hereto as Exhibit "B".

6. On September 8, 2006, at Richmond, Waybill number KKKLUUS1542123 was prepared and issued by KAM, as agents for "K" Line, to cover the carriage of container KKFU6942533 from Oakland to Hong Kong. A true and correct copy of Waybill non-negotiable number KKKLUUS1542123 is attached hereto as Exhibit "C".

5 8. Attached as Exhibit "E" is a true and correct copy of "K" Line's Combined Transport
6 bill of lading form which is incorporated by reference in "K" Line's Waybill. "K" Line's
7 Combined Transport bill of lading form and Waybill form can be found on KAM's home page
8 (Documents) at www.kline.com.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct.

12 Executed at Richmond, Virginia, this 12th day of March 2008.

Sharon Morris
Sharon Morris

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2008, a copy of the foregoing DECLARATION OF SHARON MORRIS IN SUPPORT OF THE MOTION TO DISMISS OF KAWASAKI KISEN KAISHA, LTD. AND "K" LINE AMERICA, INC. was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Jonathan Will Thames
ARCHER NORRIS
jthames@archernorris.com
kloyd@archernorris.com

James Jin-Woo Jirn
ARCHER NORRIS
jjirn@archernorris.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 13, 2008

/s/ Alan Nakazawa
Alan Nakazawa